

## **REMARKS**

Claims 30-38, 40-54, and 56-63 presently stand rejected. No claims are canceled or added herein. Thus, with this filing, claims 30 - 38, 40, 43-49, 52-54, and 56-67 remain pending. Various claims are amended as shown. No new matter has been added. Entry of this amendment and reconsideration of the pending claims are respectfully requested.

### **Claim Objections**

The Examiner objected to claims 65-67 for incorrectly depending upon claim 46. As suggested by the Examiner, claims 65-67 have been amended to depend from claim 64. Accordingly, Applicants respectfully request that the objections be withdrawn.

### **Claim Rejections – 35 U.S.C. § 103**

Claims 30-38, 43-49, 52-54, and 57-67 were rejected under § 103(a) over various combinations of U.S. Patent No. 5, 729, 281 to Utsumi et al. (“Utsumi”), U.S. Publication No. 2002/0007490 to Jeffery, U.S. Patent No. 6,848,116 to Land (“Land”), U.S. Publication No. 2002/0091866 to Perlman (“Perlman”), U.S. Patent No. 6,188,871 to Kitamura et al. (“Kitamura”), U.S. Patent No. 5,699,105 to Chen et al. (“Chen”), U.S. Patent Application Publication No. 2002/0073431 to Nikolich, U.S. Patent Application Publication No. 2002/0019984 to Rakib et al. (“Rakib”), and U.S. Patent No. 5,600,364 to Hendricks et al. (“Hendricks”).

In particular, claims 30 – 38, 41 - 54 and 57 were rejected over Utsumi in view of Jeffery in view of Land, further in view of Perlman. Claim 40 was rejected over Utsumi in view of Jeffery in view of Land, further in view of Perlman, as applied to claim 30, and further in view of Kitamura. Claim 56 was rejected over Utsumi in view of Jeffery, and further in view of Land, and further in view of Perlman, as applied to claim 53, and further in view of Kitamura. Claim 58 was rejected over Jeffery in view of Rakib, further in view of Land. Claims 59 and 60 were rejected over Jeffery, in view of Rakib further in view of Land, as applied to claim 58, further in view of Nikolich. Claims 61 and 63 were rejected over Jeffery in view of Rakib further in view of Land further in view of Hendricks. Finally, claim 62 was rejected over Jeffery in view of Rakib further in view of Land further in view

of Chen. Without any admissions that the references are proper, the rejections of the claims are respectfully traversed.

“To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. All words in a claim must be considered in judging the patentability of that claim against the prior art.” M.P.E.P. § 2143.03.

Amended claim 30 recites in pertinent part, “converting to a predetermined frequency, by one of a plurality of *programmable frequency converters* in the local service module, the one of the plurality of video channels corresponding to the channel selection request,” (emphasis added). Thus, claim 30 has been amended to incorporate the “programmable frequency converter” of independent claim 64 and previous dependent claim 33. In the Response to Arguments section, the Examiner maintained that the combination of references teaches “a plurality of programmable frequency converters.” In support of his argument, the Examiner cited Figure 3, col. 8, lines 34-37 of Utsumi, and stated that “[m]odulating portions 13<sub>1</sub> to 13<sub>N</sub> modulate the selected channel to the frequency assigned to the requesting subscriber. There is no disclosure of demodulating then re-modulating the video signals .... The modulating portions simply modulate the frequency of the selected video channel to the subscriber’s assigned frequency,” (Item 3, Office Action).

Applicants respectfully disagree. Column 8, lines 29-37 of Utsumi which is inclusive of column 8, lines 34-37 cited by the Examiner, is reproduced below:

The selecting portion 12 selects the signal on the channel which the subscriber’s device 71<sub>1</sub> requests to receive **from the demodulated all-channel signal** when it receives a control signal from the controlling portion 17, and **outputs the selected signal to the modulating portion 13<sub>1</sub>**. The modulating portion 13<sub>1</sub> modulates the signal on the channel which the subscriber’s device 71<sub>1</sub> requests to receive using the frequency f<sub>1</sub> assigned to the subscriber’s receiving device 31<sub>1</sub>. An output of the modulating portion 13<sub>1</sub>, along with outputs of the other modulating portions 13<sub>2</sub> to 13<sub>N</sub>, is frequency-division multiplexed in the multiplexing portion 14, and is transmitted to the transmission line 20 as a down-signal.

Thus, “modulating portion 13<sub>1</sub>” modulates the signal onto the channel which the subscribers device requests to receive. However, this signal is first received from “selecting portion 12,” which outputs the signal when it receives a control signal from the controlling

portion 17. Moreover, selecting portion 12 “selects the signal on the channel which the subscriber’s device 71<sub>1</sub> requests to receive from the **demodulated all-channel signal**,” (emphasis added). Only then, is the selected signal output to the modulating portion 13<sub>1</sub>. Furthermore, Figure 3 clearly illustrates a demodulating portion 11 coupled to selecting portion 12 and modulating portions 13a – 13<sub>N</sub>. Thus, contrary to the Examiner’s assertion that “[t]here is no disclosure of demodulating then re-modulating” of the video signals, it can be seen that there is no modulation of signal unless demodulation first occurs.

Applicants refer the Examiner to paragraph [0035] of the Applicants’ published Specification for an example of the differences between demodulators/remodulators and a programmable converter, specifically, programmable frequency converter, as claimed. For example, the use of demodulators/remodulators typically requires more stringent filtering as will as requiring utilization of more expensive modulation components than the programmable frequency converter approach. Note that in the use of a programmable frequency converter, there is no demodulating and re-modulating of the signal, simply a frequency conversion of the signal. Thus, among other advantages, the frequency conversion approach can maintain the spectral purity of the signal so as to allow stereo sound to pass through where possible. Utsumi uses the demodulation/remodulation approach; there is no teaching of a programmable frequency converter. Accordingly, Utsumi fails to teach “converting to a predetermined frequency, by one of a plurality of programmable frequency converters in the local service module, the one of the plurality of video channels corresponding to the channel selection request.”

Nor do the remaining references teach or suggest “converting to a predetermined frequency, by one of a plurality of programmable frequency converters in the local service module, the one of the plurality of video channels corresponding to the channel selection request.”

Consequently, the combination of the references fail to teach or suggest all elements of claim 30 as required under M.P.E.P. § 2143.03.

Accordingly, Applicants respectfully request that the instant §103(a) rejection of claim 30 be withdrawn. Independent claims 46, 53, and 64 include at least one or more

similar or same nonobvious elements as independent claim 30. Accordingly, Applicants request that the instant § 103(a) rejections of claims 46, 53, and 64 be withdrawn.

Dependent claims 31 – 38, 43 - 45, 47 – 52, 54, 56 – 57, and 59 - 63 depend from claims 30, 43, 53, or 58 and are patentable over the art of record for at least the same reasons as discussed above in connection with their respective independent claims, in addition to adding further recitations of their own.

### **Conclusion**

Applicants submit that all pending claims are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (206) 407-1561. If any fees are due in connection with filing this paper, the Commissioner is authorized to charge the Deposit Account of Schwabe, Williamson and Wyatt, P.C., No. 50-0393.

Respectfully submitted,  
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